

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DIRK W. ADAMS,)	<u>SEAMAN'S COMPLAINT</u>
)	
Plaintiff)	
)	07 CIV 1736 PKC
)	Judge Castel
-against-)	
)	<u>Plaintiff Demands</u>
)	<u>Trial By Jury</u>
)	
HORIZON LINES, INC.,)	
)	
Defendant)	
-----x		

**ACTION UNDER SPECIAL RULE FOR SEAMEN
TO SUE WITHOUT SECURITY OR PREPAYMENT
OF FEES**

Jurisdiction & Venue

The Court has Jurisdiction over plaintiff's claims under The Jones Act, 46 U.S.C. 30104 (688 et seq.) and/or The General Maritime Law of the U.S., 28 USC 1331/1333. Venue is conceded.

AS AND FOR A FIRST CAUSE OF ACTION

Plaintiff, by and through his attorney, ALAN H. BUCHSBAUM, ESQ., complaining of the defendant herein, respectfully alleges upon information and belief as follows:

FIRST: That at all the times mentioned herein, the defendant, HORIZON LINES, INC. ("HORIZON"), was and still is a corporation, engaged in, among other things, the shipping business, having an office and place of business in a state of the United States.

SECOND: Defendant (1) consents to venue herein and waives all defenses thereunder, same limited solely to the instant action, and (2) agrees that the firm of Kenney, Stearns & Zonghetti, Esq., is to appear in behalf of Defendant and is authorized to accept service of the instant summons and complaint on behalf of Defendant.

THIRD: At all the times referred to herein, the defendant owned, operated and/or controlled a vessel known as the HORIZON CONSUMER ("Vessel") which flew the flag of the United States of America.

FOURTH: That on or about January 12, 2006, the plaintiff was lawfully and properly serving aboard the aforesaid Vessel as a merchant seaman and member of its crew and as such plaintiff was entitled to the benefits and/or the protection of the laws of the United States, both common and/or statutory, including therein but not limited to those commonly referred to as The Jones Act, 46 U.S.C. 30104 (previously 688 et seq) and/or The General Maritime Law of the U.S..

FIFTH: That on or about January 12, 2006, while the plaintiff was lawfully and properly aboard the aforesaid vessel he was caused to suffer serious and permanent injuries when struck about the body by one of the Vessel's lines that broke and/or parted all by reason of the negligence of the defendant.

SIXTH: That by reason of the foregoing, the

plaintiff became sick, sore, lame and disabled, and sustained severe permanent personal injuries; was and is internally and externally injured, causing him to suffer great pain and suffering to date and into the future and for a long time he has and will be prevented in the future from attending to his daily labors thereby losing large sums of money, which he would otherwise have earned as wages, and all other related sums and benefits; and has expended sums of money in endeavoring to be cured of his injuries aforesaid and to maintain himself; and has endured and will continue to endure great pain and suffering, all to his damage.

AS AND FOR A SECOND CAUSE OF ACTION

SEVENTH: Plaintiff incorporates herein and repeats, reaffirms and realleges each and every paragraph as is set forth above and designated as "FIRST" through "FOURTH", both inclusive, and "SIXTH" as though fully set forth herein at length.

EIGHTH: That on or about January 12, 2006, while the plaintiff was lawfully and properly aboard the aforesaid vessel he was caused to suffer serious and permanent injuries when struck about the body by one of the Vessel's lines that broke and/or parted all by reason of the unseaworthiness of the Vessel.

WHEREFORE, the plaintiff demands judgment against the

defendant in the sum of TWENTY MILLION (\$20,000,000.00) DOLLARS,
as damages, wages, maintenance and/ or cure benefits, all
pursuant to his FIRST CAUSE OF ACTION and a like sum pursuant to
his SECOND CAUSE OF ACTION, together with the costs and
disbursements of this action.

Dated: New York, New York
February 27, 2007

ALAN H. BUCHSBAUM
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